

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31173 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- RAHIKA District- Madhubani

Md.Aslam Shekh Son Of Sirazul Shekh Resident Of Village- Umgaon, Ward
No. 13, Ps- Harlakhi Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-05-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Rahika

P. S. Case No. 65 of 2023, registered for the offences

punishable under Sections 272, 273, 414 and 34 of the

Indian Penal Code and Section 30(a) of the Bihar Prohibition

and Excise Act.

As per allegation, total 303.9 litres of liquor was

recovered from three motor-cycles.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that Section 414 of the Indian Penal Code does not apply in the present case because the petitioner is neither the driver nor the owner of the alleged motor-cycles and he has been made accused in this case merely on the basis of suspicion, when he was returning from the village of one of his relatives.

He further submits that the petitioner has been languishing in jail since 02.04.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties



of the like amount each to the satisfaction of Ld. Additional Sessions Judge - II cum Special Judge, Excise Act, Madhubani, in connection with Rahika P. S. Case No. 65 of 2023 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of



the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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